

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION (LAFAYETTE)**

THE LAFAYETTE LIFE INSURANCE COMPANY,
MERCY RIDGE, INC., AMERICAN BANK, and all others
similarly situated,

Plaintiffs,

v.

CITY OF MENASHA, WISCONSIN, a municipal
corporation, MENASHA UTILITIES, and MENASHA
STEAM UTILITY,

Defendants.

Case No. 4:09-cv-0064-TLS-APR

**PLAINTIFFS' MOTION FOR APPOINTMENT OF LEAD PLAINTIFFS
AND LEAD COUNSEL**

Plaintiffs and Putative Class Members The Lafayette Life Insurance Company, Mercy Ridge, Inc., and American Bank ("Moving Plaintiffs"), by counsel, hereby move to be appointed Lead Plaintiffs of any class or subclasses asserting federal securities claims in this case, pursuant to the provisions of the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(B)(i). In support of this Motion, Moving Plaintiffs state:

1. This cause of action was filed on or about September 18, 2009 as a result of the Defendants failure to pay Bond Anticipation Notes in excess of \$24,000,000.

2. The Complaint was filed by counsel at the direction of more than two dozen putative class members who represent over 60% of the outstanding securities that are at issue in the litigation. The undersigned counsel has also had contact with numerous other putative class members, or their representatives, who are not directly represented by the undersigned counsel and who have an interest in the outcome.

3. As more fully set forth in the accompanying Memorandum of Law, from among the group of noteholders directly represented by the undersigned counsel, the three Moving Plaintiffs were identified to be the named Plaintiffs because it is believed that these three parties best represent the prospective classes of noteholders and because they have the largest financial interest in the relief sought of any class members. All other directly-represented putative class members have consented to the Moving Plaintiffs serving as lead plaintiffs. Furthermore, none of the other putative class members, or their representatives, with whom counsel has spoken has expressed any objection to the Moving Plaintiffs serving as Lead Plaintiffs.

4. A Notice to Class Members was published in Business Wire, a widely-circulated national business-oriented publication or wire service, by the undersigned counsel on about November 12, 2009, advising members of the purported plaintiff class for securities violations of the pendency of the action, the claims asserted therein, the purported class period, and that any member of the purported class who wishes to serve as lead plaintiff in the case may move the Court to do so not later than 60 days publication of the notice. This notice was published pursuant to 15 U.S.C. § 78u-4(a)(3)(A)(i).

5. After the publication of the Notice, the undersigned counsel received no communication from any putative class member seeking to participate as a lead plaintiff in the litigation.

6. Moving Plaintiffs otherwise satisfy the requirements of Rule 23 of the Federal Rules of Civil Procedure as the Moving Plaintiffs "most capable of adequately representing the interests of the class members" in accordance with the PSLRA.

7. Moving Plaintiffs further move, pursuant to 15 U.S.C. § 78u-4(a)(3)(B)(v), for an order approving and designating the law firm of Ice Miller LLP, and specifically Michael A. Wukmer and Michael T. McNally, to serve as Lead Class Counsel.

8. To the knowledge of the undersigned counsel there is no person or entity that objects to the designation of the Moving Plaintiffs to serve as lead plaintiffs in this case or to the appointment of undersigned counsel as lead counsel in this case.

9. Attached in support of this Motion are the Affidavits of R. Gregory Williams (Exhibit A), James R. Chatterton (Exhibit B), John E. Topper (Exhibit C) and Michael A. Wukmer (Exhibit D).

10. Moving Plaintiffs have separately filed a Memorandum of Law in Support of Plaintiffs' Motion for Appointment of Lead Class Plaintiffs and Lead Counsel in support of this Motion.

WHEREFORE, the Moving Plaintiffs respectfully request that the Court appoint them as Lead Plaintiffs for the federal securities claims asserted in this case and approve their selected counsel as Lead Counsel.

Respectfully submitted,

ICE MILLER LLP

s/ Michael A. Wukmer

Michael A. Wukmer

Michael T. McNally

Attorneys for Plaintiffs

ICE MILLER LLP
One American Square
Suite 2900
Indianapolis, IN 46282-0200
(317) 236-2426
Fax: (317) 592-4825

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the following, via this Court's Electronic Case Filing System, on the 11th day of January, 2010:

Brian E. Casey
Barnes & Thornburg LLP
brian.casey@btlaw.com

s/ Michael A. Wukmer

I/2424361.1